



THE STATE OF UTAH  
OFFICE OF STATE ENGINEER  
SALT LAKE CITY

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STATE ENGINEER

September 12, 1939.

REL: SAND WASH IRRIGATION CO.

Memorandum for Office Study only, by AUSTIN G. BURTON

On September 5, 1939 I contacted Mr. Melvin J. Benson, president of the Sand Wash Irrigation Company, and went with him on an examination of the points of diversion of water from the Sand Wash upstream from the point of diversion of the Sand Wash Irrigation Company.

I found that there are five such points now in use, and one - that of Mr. George Potts under Application No. 7345 - which was not used this year. There is one point of diversion about one-half mile downstream from the point of diversion for Application No. 7282 of N. J. Mitchell which diverts from the south bank of the creek, then 300 yds. or thereabouts downstream another ditch diverts on the north side, and down 100 yds. a third ditch diverts from the south side of the creek. All three of these diversions appear to have no Application right. Downstream some half mile from the last of these three, Application No. 10011 of Oscar Nelson diverts from both sides of the creek; then on down the creek some two miles is the first diversion of the Sand Wash Irrigation Company, and lower down the second diversion of that company, and about six miles downstream is the diversion of the Dry Gulch Irrigation Company.

At the time of this visit there were between 5 and 7 sec. ft. of water flowing in the stream. Approximately 0.5 sec. ft., or a little more, was being diverted in the first of the three diversions described which has no Application right. The balance was going unmolested down to the points of diversion of the Sand Wash Irrigation Company.

It is the contention of Mr. Benson that he has attempted on several occasions to get the Dry Gulch Irrigation Company to join them in a request for the appointment of a Water Commissioner. The Dry Gulch Company has refused to do this on the ground that the water would all be claimed by the Sand Wash Company and that the Dry Gulch Company would be responsible for the payment of a majority of the salary of said Commissioner, because their Application calls for 10 sec. ft. as against 7 sec. ft. of water under the Sand Wash Application. This conclusion of the Dry Gulch Irrigation Company, however, appears to be <sup>in</sup> error inasmuch as under most Commissioner districts the Commissioner's salary is collected in proportion to the water deliveries made; therefore, the responsibility would fall largely upon the Sand Wash Irrigation Company.

Mr. Benson stated that the present flow in Sand wash is about the seasonal normal flow, that the stream varies little from year to year, and that during the time of melting snows or floods from storms are the only times when the creek varies appreciably from its present deliver. Would

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